

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Jan 24, 2024**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Nicolas D. Elwell

Case Number: 0980 2:09CR02040-SAB-1

Address of Offender: [REDACTED] Wapato, Washington 98951

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: January 25, 2010

Original Offense: Crime on Indian Reservation Attempted Aggravated Sexual Abuse, 18 U.S.C. §§ 1153 and 2241(a) (1)

Original Sentence: Prison - 188 months
TSR - 120 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Courtney Pratten

Date Supervision Commenced: March 17, 2023

Defense Attorney: Alex B Hernandez

Date Supervision Expires: Tolling

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on June 12, 2023.

On March 17, 2023, supervised release conditions were reviewed and signed by Mr. Elwell acknowledging an understanding of his conditions.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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4	<u>Mandatory Condition #1:</u> You must not commit another federal, state or local crime.
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Supporting Evidence: Mr. Elwell is considered to be in violation of his supervised release conditions by being arrested and charged with assault resulting in serious bodily injury, per indictment, docket number 1:24CR-2003-SAB-1, filed on January 9, 2024.

Per the indictment filed on January 9, 2024, on or about June 3, 2023, within the exterior boundaries of the Yakama Nation Reservation, in Indian Country, in the Eastern District of Washington, the Defendant, Nicholas Dean Elwell, an Indian, assaulted V.M., and the Assault Resulted in Serious Bodily Injury, in violation of 18 U.S.C. §§ 115 and 113 (a)(6).

Please refer to narrative found in Violation #1.

Prob12C

Re: Elwell, Nicolas D

January 23, 2024

Page 2

5 **Mandatory Condition #1:** You must not commit another federal, state or local crime.

Supporting Evidence: Mr. Elwell is considered to be in violation of his supervised release conditions by being arrested and charged with assault with a dangerous weapon, per indictment, docket number 1:24CR-2003-SAB-1, filed on January 9, 2024.

Per the indictment filed on January 9, 2024, on or about June 3, 2023, within the exterior boundaries of the Yakama Nation Reservation, in Indian Country, in the Eastern District of Washington, the Defendant, Nicholas Dean Elwell, an Indian, assaulted V.M., with Assault with a Dangerous Weapon, in violation of 18 U.S.C. §§ 1153 and 113 (a)(3).

Please refer to narrative found in Violation #1.

6 **Mandatory Condition #1:** You must not commit another federal, state or local crime.

Supporting Evidence: Mr. Elwell is considered to be in violation of his supervised release conditions by being arrested and charged with assault resulting in substantial bodily injury to a spouse, intimate partner, or dating partner, per indictment, docket number 1:24CR-2003-SAB-1, filed on January 9, 2024.

Per the indictment filed on January 9, 2024, on or about June 3, 2023, within the exterior boundaries of the Yakama Nation Reservation, in Indian Country, in the Eastern District of Washington, the Defendant, Nicholas Dean Elwell, an Indian, is charged with Assault Resulting in Substantial Bodily Injury to a Spouse, Intimate Partner, or Dating Partner, in violation of 18 U.S.C. §§ 1153 and 113 (a)(7).

Please refer to narrative found in Violation #1.

The U.S. Probation Office respectfully recommends the Court to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 23, 2024

s/Kyle Mowatt

Kyle Mowatt
U.S. Probation Officer

Prob12C

Re: Elwell, Nicolas D

January 23, 2024

Page 3

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other

A handwritten signature in blue ink, reading "Stanley A. Sestran".

Signature of Judicial Officer

1/24/2024

Date